

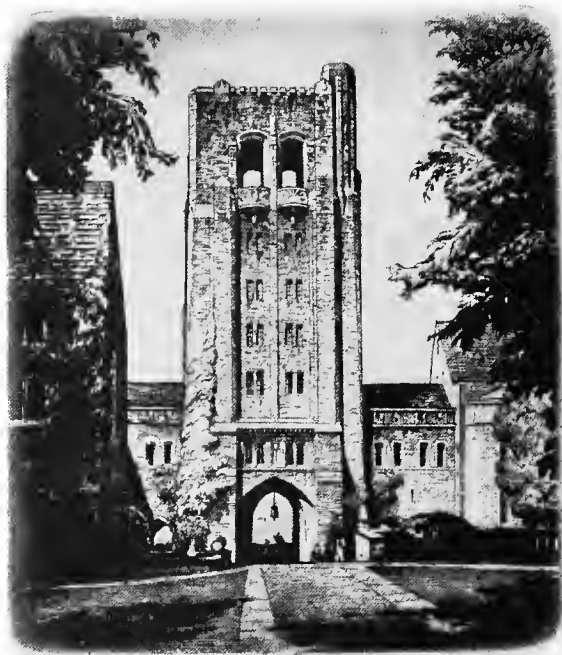
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REPORT
OF THE
ATTORNEY GENERAL
OF CALIFORNIA

SPECIAL REPORT

FEB. 1860

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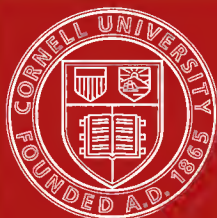
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REPORT OF THE ATTORNEY-GENERAL

CONCERNING THE

TITLE TO STATE PRISON LANDS

AT POINT SAN QUENTIN,

IN ACCORDANCE WITH

THE JOINT RESOLUTION OF THE TWO HOUSES.

B 74221

BENJ. P. AVERY.....STATE PRINTER.

REPORT.

To the Honorable the Legislature of the State of California :

In accordance with a resolution of the Senate and Assembly, adopted March second and fourth, directing me "to investigate all questions affecting the title to the lands at Point San Quentin covered by or adjacent to any of the Prison buildings or improvements," I have made such partial examination as the time and opportunity afforded has enabled me.

Accompanying this report I send you an abstract of title to the lands upon which the Prison is erected, accompanied with a rough chart, indicating the location of Prison, guard-houses, gardens, commissary store-house, wells, etc.

The Surveyor-General has caused a survey to be made of the entire Point, which will furnish you with an accurate map of the whole of the neighboring lands, and at a glance enable you to see the extent and location of the State's property.

To make a perfect abstract of title to the Point in question would involve a great amount of labor and expense. It would be necessary to search the records of the County of Marin and the Courts, through a most perplexing litigation which has involved the Buckelew Rancho since the earliest time; and if the object should be a purchase of any part of the property, I am convinced that the attainment of a quiet title would be impossible.

Again, I have seen no disposition on the part of any of the claimants to these lands to treat for their sale to the State, except upon most unconscionable terms. For one hundred and three acres, Mr. George A. Worn asks, for a litigated and unsettled title, the sum of fifty thousand dollars, (\$50,000,) which is at least fifty times more than it is worth.

Mr. John Simms, who has obtained from Governor Downey the patent of forty acres of land made by the State upon the line of the beach, actually redeemed by the labor of the State, in use by it as a brick-yard for years, and once by the State purchased from John Center, has brought ejectment for the same, and is now, I believe, willing to compromise his claim for the sum of forty thousand dollars (\$40,000.)

This suit is now pending. Another has been brought by Mr. Worn against the officers of the State, to enjoin them and their Agents from digging clay on his lands. Worn derives title from one Roos, now

deceased; Roos from Buckelew. One Wright is, I believe, contending for the whole property as against the estate of Roos, or the trust of Worn. Mrs. Buckelew, the widow and Administratrix of Benjamin R. Buckelew, claims title to a part of the beach and water property on the Point, and homestead in island upon which the wharf is built.

If it is deemed necessary for the State to acquire title to the lands in the vicinity of the Prison, I would suggest for their consideration the Act of April fifteenth, eighteen hundred and fifty-nine, entitled an Act to provide for condemning and purchasing certain lands adjoining the State Prison grounds, at San Quentin, for State Prison purposes.

It may not be improper for me to suggest to the Legislature the importance of acquiring the lands in the vicinity of the Prison. The embarrassments of not owning enough land in the neighborhood of the State Prison to furnish its convicts with clay for brick making—the fact of the guard houses, gardens, commissary stores, and wells, standing on the property of others, is not only a source of present embarrassment in the conduct and management of State Prison affairs, but I see in the future a coming swarm of claims for compensation, damages, etc., growing out of these complications.

Independent of a claim of say ninety thousand dollars, (\$90,000,) for one hundred and forty-three acres of land, made by Simms and Worn, Mrs. Buckelew is now preferring her claim against the State for eight thousand one hundred dollars (\$8,100) for clay already used by the State during the lifetime of her husband.

What may be the pretensions of other parties, or the claim of those having improvements on the Point in vicinage of the Prison, I cannot undertake to say.

In my opinion, the condemnation of the necessary lands under the Act referred to is a speedy and cheap solution of the whole difficulty.

I am suddenly compelled to visit the county seat of Marin County to endeavor to procure the modification or dissolution of an injunction against the Governor, State Prison Directors, and their Agents, from trespassing on the lands of George A. Worn—an injunction cutting off the use of the only fresh water within three miles of the Prison. This is my apology for a very hasty report touching State Prison matters.

I have the honor to be,

Very respectfully,

FRANK M. PIXLEY,
Attorney-General.

ABSTRACT OF TITLE
TO THE
STATE PRISON GROUNDS
AT
POINT SAN QUENTIN.

ABSTRACT OF TITLE, ETC.

LETTER FROM THE RECORDER OF MARIN COUNTY.

RECORDER'S OFFICE, MARIN COUNTY, }
March 16th, 1863.

Hon. F. M. Pixley :

SIR :—You will please find inclosed abstracts of title of the State Prison lands, also of the Tide Land adjoining the same, claimed by Mr. Simms. I thought it best to send copies in full of the two original deeds from Buckelew, as they are referred to in all subsequent conveyances touching that property. As to an abstract of the other lands on Point San Quentin, and adjacent to the Prison lands, the same must *necessarily* involve the whole title from Cooper down to the present day, as none of these lands have ever been sold from the main body of the rancho, and of course have been affected by all conveyances, incumbrances, etc., upon the same. You must, of your own knowledge, and from an acquaintance with Mr. Buckelew, (in his lifetime,) be able to form some idea of the extent of an abstract of this rancho. It would require a great deal of labor, and at the least would be worth from one hundred and seventy-five to two hundred dollars. For these reasons I concluded it would be best not to commence the abstract until I heard from you again. I have also furnished Captain Easkoot, our County Surveyor, with a copy of the deed from Center to the State, and charged the same in the bill herewith inclosed, at his request. The amount of bill, forty dollars, you will please remit per express, and oblige

Yours truly,

D. T. TAYLOR.

Per S. B. HARRIS.

ABSTRACT OF TITLE TO STATE PRISON LANDS.

WHEREAS, by an Act entitled an Act to provide for the erection of a State Prison, passed at the last session of the Legislature of the State of California, in the year of Our Lord one thousand eight hundred and fifty-two, section first of said Act constitutes the State Prison Inspec-

tors and the Superintendent of Public Buildings as a Board of Commissioners to select and purchase twenty acres of land on which to erect a State Prison, as provided for in said Act; and whereas, James S. Graham, Commissioner of Public Buildings, George McDougal, Horace W. Carpentier, and James Miller, State Prison Inspectors, as such Board of Commissioners on the part of the State of California aforesaid, agreeably to the Act above referred to, did purchase of Benjamin R. Buckelew, of the County of Marin, in the State of California, twenty (20) acres of land lying in said County of Marin, on which to have erected said State Prison and appurtenances :

Now, know all men by these presents, that I, Benjamin R. Buckelew, of the County of Marin, and State of California, for and in consideration of the sum of ten thousand dollars, (\$10,000,) to me in hand paid by John Bigler, in his capacity as Governor of the State of California, the receipt whereof I do hereby acknowledge, and for the further consideration that the said State Prison shall be erected on the piece or parcel of land herein conveyed, do hereby grant, bargain, and sell, convey, and confirm unto the said John Bigler, in his capacity of Governor of the State of California, and his successors in office as such Governor, and for the use of said State of California, and for the erection on said parcel of land hereby bargained and sold, of a State Prison, as aforesaid, to the use and behoof of the State forever: All that certain tract or parcel of land lying in the County of Marin, in the State of California, known and designated on the map or plan of said parcel of land hereunto annexed, which plan is made a part of this conveyance, and marked in red ink thus (A). The twenty (20) acres of land hereby conveyed is bounded and described as follows, to-wit: Commencing at a point about four hundred (400) feet eastward from and parallel to a due north and south line run from the southernmost point of the point of land called San Quentin, and marked (S); north, thirteen hundred (1,300) feet from said southernmost point of land at high water mark, at the point of intersection of a line run at right angles to the first line; due east, eight hundred (800) feet or more from ordinary high water mark on the west side of said point of land, distant thirteen hundred (1,300) feet north from the first mentioned southernmost point; thence, due south, in a straight line, to high water mark; and commencing again at said point of intersection of the east and north lines, and running due west in a straight line eight hundred (800) feet to a point at or near ordinary high water mark; thence, due south, in a straight line, to high water mark; the south boundary of said tract of land to run in a straight line due east and west, and sufficiently far south from the north boundary line to embrace within all said boundary lines twenty (20) acres of land above ordinary high water mark; the two first mentioned lines are to be subject to the correction of any error in the lines of the streets of the survey of the City of Marin, a plan of which is hereunto annexed, and marked in red ink thus, (B); which lines are bounded by a street fifty (50) feet wide on the north, and a street one hundred (100) feet wide on the east, the said streets having been already surveyed, and are believed to be correct according to the plan of said City of Marin and the Prison grounds adjoining, hereunto annexed. To have and to hold the aforescribed and granted premises to the said John Bigler, in his capacity as Governor, as aforesaid, and to his successors in office as such Governor of said State of California, to the sole use of the State for prison purposes and buildings, as hereinbefore provided for; and I, the aforesaid Benjamin R. Buckelew, do hereby, for myself and my

heirs, Executors, and Administrators, covenant with the said John Bigler, in his capacity as Governor, as aforesaid, and his successors in office as Governor of said State of California, for the use of the State, as aforesaid, that I am lawfully seized in fee simple of the aforementioned and granted premises, that they are free of all encumbrances, and that I have good right to sell and convey the same to the said John Bigler, as Governor, and for the use of the State, and that I and my heirs, Executors, and Administrators will warrant and forever defend the said premises to the said John Bigler, as Governor, and to his successors in office, as such Governor, for the use of the State, as aforesaid, forever, against the lawful claims and demands of all persons whatsoever; and the aforesaid Benjamin R. Buckelew herein and hereby further covenants and agrees with the aforesaid John Bigler, Governor of the State of California, that the two blocks of land (exclusive of the streets, which streets are forever to remain open) lying longitudinally in front of the eastern line of the aforementioned State Prison ground, are herein dedicated and appropriated by the said B. R. Buckelew as Public Parks, to remain as such forever, and to be improved and embellished by the State of California, and to be under the direction and control of the said State forever; or provided the State shall refuse to improve, embellish, direct, and control said grounds as Public Parks, then said control shall be and the same is hereby vested in the future corporate authorities of the aforementioned City of Marin; said blocks of land are each four hundred feet long, north and south, and three hundred feet wide, east and west; the southern block is at present nearly all covered with water, and the southeast corner of the northern block is also covered with water; and the said B. R. Buckelew does herein further covenant and agree with the said John Bigler, Governor, etc., that the wharf which he intends building in front of the said City of Marin, and to connect the same with the ship channel to a depth of water not less than sixteen feet of water, at the lowest stage of the tide, shall be used by the said State of California for all purposes connected with the aforesaid Prison grounds free of charge to the State for such use forever; and the said B. R. Buckelew does hereby further covenant and agree with the aforesaid John Bigler, Governor, etc., that the said wharf shall be completed ready for use on or before the first day of January, A. D. eighteen hundred and fifty-three; and the said B. R. Buckelew does herein and hereby grant to the said party of the second part the right of way between the said wharf and Prison ground, the same to conform to the survey of the streets and be in said streets when the blocks are built upon and fenced in as may be necessary.

In witness whereof, I have hereunto set my hand and seal, in the City of San Francisco, in the State of California, this ninth day of July, A. D. one thousand eight hundred and fifty-two.

B. R. BUCKELEW, [SEAL.]

Executed in presence of }
C. GARVEY. }

STATE OF CALIFORNIA, }
County of San Francisco, } ss.

On this ninth (9th) day of July, A. D. one thousand eight hundred and fifty-two, (1852,) personally appeared before me, (in said county,) a Notary Public in and for said county, Benjamin R. Buckelew, known to me

to be the person described in and who executed the foregoing instrument of writing as a party thereto, who acknowledged to me that he executed the same freely and voluntarily, and for the uses and purposes therein mentioned.



In witness whereof I have hereunto set my hand and official seal the day and year aforementioned.

C. GARVEY,
Notary Public.

NOTE.—There is no date of record to this deed.

RECORDER.

This indenture, made and concluded the tenth day of July, in the year one thousand eight hundred and fifty-two, between Benjamin R. Bucklew, of the County of Marin, in the State of California, party of the first part, and James M. Estell, Robert Allen, Fernando Vassault, Andrew Garr, and Joseph Daniels, all residents of the aforesaid State of California, parties of the second part, witnesseth: That for and in part consideration of the sum of five dollars, to me in hand paid by the aforesaid parties of the second part, the receipt of which is hereby acknowledged, and for the remaining further consideration of the undermentioned terms and conditions, to be fulfilled by the aforesaid parties of the second part, their heirs, and assigns, the said party of the first part hath granted, bargained, sold, transferred, and conveyed, and by these presents do hereby grant, bargain, sell, transfer, and convey, unto the aforesaid parties of the second part, and to their heirs, and assigns, forever, all that certain tract or parcel of land, lying in the County of Marin, in the aforesaid State of California, the same being a part of the rancho granted to John B. R. Cooper by Governor Alvarado, in the year eighteen hundred and forty, and by the said Cooper sold and conveyed to the aforesaid party of the first part in the month of October, A. D. eighteen hundred and fifty, the same having been recorded in the County Recorder's office, in the County of Marin, in the aforesaid State, situated on a part of the land known as "Punta de San Quentin," and the same is bounded and described as follows, (reference being had to the map hereunto annexed, and which forms a part of this conveyance:) Commencing at or near the south end of the west line of the land recently sold by the aforesaid party of the first part to the State of California for the erection of a State Prison; thence north on said line eight hundred and fifty (850) feet to the north west corner of said Prison ground; thence east on the north line of said Prison ground four hundred (400) feet; thence north four hundred and fifty (450) feet; thence west three hundred (300) feet; thence south four hundred and fifty (450) feet; thence west four hundred (400) feet; thence south seventy-five (75) feet, more or less, to the water's edge, with the relinquishment of all the rights and privileges of the said B. R. Bucklew to improve, fill up, and occupy all the flat or shoal covered with water at high tide within the boundaries of a line drawn due south from the south end of the last mentioned line an additional twelve hundred and twenty-

five (1,225) feet, more or less, making the length of both lines connected, in all thirteen hundred (1,300) feet; and thence by a line at right angles, to the last line drawn due east seven hundred (700) feet, to a junction with the west line of the aforesaid Prison grounds at the point of beginning, with the reservation and exception of all the streets which run, or may hereafter run, through the above granted and described premises, in strict conformity with the plan of the streets of the City of Marin. A copy of a part of the map of said place, as drawn in connection with the plan of the within granted land, hereunto annexed as aforesaid. Said streets are reserved for the purpose of being conveyed as public avenues to the future corporate authorities of the aforesaid City of Marin; provided, that until the aforesaid conveyance shall be made by the said party of the first part, or in default of his making said conveyance, by his decease, the aforesaid streets, excepting the one farthest north within the aforesaid boundary lines of the within conveyed and described premises shall be and continue to the use, benefit, and control of the said parties of the second part until the aforementioned future corporate authorities shall demand the same to be thrown open by reason of the necessities of the case requiring such action; and after one year's notice to the parties of the second part, or to any one of them, shall have been given in writing by the direction of said future corporate authorities, the abovementioned street, lying farthest to the north as aforesaid, is to be and continue open and unobstructed from the present time forever. It is hereby expressly provided that by the said party of the first part making this conveyance, he does not in the least abridge his rights and privileges to make any alteration or improvements outside the above described boundary lines of the premises herein conveyed, either on the land or in the waters; but it is also provided that in case such alterations or improvements would damage or obstruct the above granted premises, unless the free use of such improvements were allowed the said parties of the second part, then the said parties of the second part shall have in that case the free use of any and all such improvements as may be made by the said party of the first part, such use to be to the extent that no obstruction or hindrance will then exist to the damage of the said parties of the second part; and it is also expressly provided that the said parties of the second part, their heirs and assigns, shall not make any alterations, obstructions, or improvements outside the boundary lines of the within granted and described premises, either on the land or in the flat or shoal covered with the waters of the bay, without the written consent of the said party of the first part; and it is further provided that the said parties of the second part shall continue the manufacturing of bricks (provided the clay for that purpose shall not have been sooner exhausted) for the term of nine years from the present date; and it is also provided that all buildings, except stables, sheds, and shanties, and other temporary and inferior constructions, shall hereafter be erected to conform to the survey of the streets within the aforesaid boundary lines of the premises herein conveyed as aforesaid. To have and to hold the above bounded and described premises unto the aforesaid parties of the second part, their heirs, and assigns, forever, in the proportion to each as follows, viz: The one undivided half of the within conveyed land, and rights and privileges, to the aforesaid James M. Estell, and the remaining undivided half to the aforesaid Robert Allen, Ferdinand Vassault, Andrew Garr, and Joseph Daniels, jointly to each of said parties, their heirs, and assigns, in their proper proportion of

interest, to their sole use, benefit, and behoof forever. And I, the aforesaid Benjamin R. Buckelew, do hereby, for myself and my heirs, Executors, and Administrators, covenant with the aforesaid parties of the second part, that I am lawfully seized in fee simple of the above granted premises, that they are free of all incumbrances, and that I have good right to sell and convey the same to the said parties of the second part; and that I and my heirs, Executors, and Administrators, will warrant and forever defend the said premises against the lawful claims and demands of all persons whatsoever. In witness whereof, I hereunto set my hand and seal, in the City of San Francisco, the tenth day of July, in the year one thousand eight hundred and fifty-two.

B. R. BUCKELEW [SEAL.]

In presence of }
JAMES PRATT. }

STATE OF CALIFORNIA, }
County of San Francisco. } ss.

On this fourteenth day of July, eighteen hundred and fifty-two, personally appeared before me, a Notary Public in and for said county, Benjamin R. Buckelew, known to me to be the person described in and who executed the foregoing instrument, and who acknowledged to me that he executed the same freely and voluntarily, for the uses and purposes therein mentioned.

JAMES PRATT,
Notary Public.



(DEED.)

J. M. Estell, Robert Allen, Ferdinand Vassault, Andrew Garr, and Joseph Daniels, to The San Francisco Manufacturing Company.

Dated September twenty-second, eighteen hundred and fifty-two.

Consideration, ten dollars.

Conveys the same premises that were conveyed to the said parties of the first part by Benjamin R. Buckelew, by deed, dated the tenth day of July, eighteen hundred and fifty-two.

Recorded September twenty-eighth, eighteen hundred and fifty-two, in Liber "A" of Deeds, pages 245-6-7, Marin County Records.

(DEED.)

James W. Estell, President of the San Francisco Manufacturing Company, to Archibald Woods.

Dated June thirtieth, eighteen hundred and fifty-four.

Consideration, thirty thousand one hundred and fifty dollars.

Conveys the same premises as conveyed to said Manufacturing Com-

pany by J. M. Estell et als., by deed, dated September twenty-eighth, eighteen hundred and fifty-two.

Recorded July fourteenth, eighteen hundred and fifty-four, in Liber "A" of Deeds, pages 453, etc., Marin County Records.

—
(DEED.)

Archibald Woods, to John Bigler, Governor of California, and his successors in office, etc.

Dated July third, eighteen hundred and fifty-five.

Consideration, forty thousand dollars.

Conveys the same premises as conveyed to said party of the first part by J. M. Estell, President of the San Francisco Manufacturing Company, by deed, dated June thirtieth, eighteen hundred and fifty-four.

Recorded July tenth, eighteen hundred and fifty-five, at five o'clock, P. M., in Liber "B" of Deeds, pages 148-149, Marin County Records.

—
(DEED.)

John Centre, to The State of California.

Dated June third, eighteen hundred and sixty-one.

Consideration, twelve thousand dollars.

Conveys "all the following described tract and parcel of land, situate lying and being in the County of Marin, and State of California, viz: Being the same heretofore occupied by the San Francisco Manufacturing Company as a steam brick factory, said land being adjoining the State Prison of this State, and being part of the land known as Punta de San Quentin, bounded as follows." (Here follows same description as in deed from Buckelew to J. M. Estell et als.)

Recorded August twenty-second, eighteen hundred and sixty-one, at four o'clock, P. M., in Liber "C" of Deeds, pages 403-404, Marin County Records.

STATE OF CALIFORNIA, }
County of San Francisco. }

In the District Court of the Fourth Judicial District.

Samuel W. Haight and Theodore A. }
Wakeman, Plaintiffs, }

vs.

Archibald Woods, Defendant. }

Writ of Attachment, dated May eleventh, eighteen hundred and fifty-five.

Amount sued for, ten thousand dollars.

Directed to the Sheriff of Marin County.

(*Sheriff's Return*;))

"In pursuance of the above Writ of Attachment, I have this day at-

tached the following property, to wit: (after specifying personal property) together with all the right, title, and interest of Archibald Woods in and to the land adjoining the Prison ground, containing sixteen acres or thereabouts.

"Dated at Marin City, May eleventh, eighteen hundred and fifty-five.

"D. CLINGAN, Sheriff."

Filed this twelfth day of May, A. D. eighteen hundred and fifty-five.

DANIEL T. TAYLOR, Recorder.

STATE OF CALIFORNIA, }
County of San Francisco. }

In the District Court of the Twelfth Judicial District.

C. K. Garrison, Plaintiff,

vs.

A. Woods, Defendant.

Writ of Attachment, dated May tenth, eighteen hundred and fifty-five.
Amount sued for, four thousand two hundred and ten dollars.
Directed to the Sheriff of Marin County.

(*Sheriff's Return* :)

"In pursuance of the above attachment, I hereby certify that I have this day attached the following property, to wit: "All the land adjoining the Prison grounds owned by as above.

"Dated at Marin City, May fifteenth, eighteen hundred and fifty-five.

"D. CLINGAN, Sheriff."

Filed May fifteenth, eighteen hundred and fifty-five.

DANIEL T. TAYLOR, Clerk.

DISTRICT COURT, TWELFTH JUDICIAL DISTRICT, }
State of California, County of San Francisco. }

Thomas Young,

vs.

San Francisco Manufacturing Com-
pany.

Transcript of Judgment.

Judgment rendered December eighth, eighteen hundred and fifty-four,
for five thousand eight hundred and seventeen dollars and sixty-nine

cents, and costs six hundred and thirty-three dollars and eighty-four cents.

Attested February twenty-fourth A. D. eighteen hundred and fifty-five.

Received for record February twenty-second, eighteen hundred and fifty-five, at ten o'clock, A. M., and recorded in Liber "A" of Transcript of Judgments, page 14.

JOS. S. POINDEXTER, Recorder.

D. T. TAYLOR, Deputy.

NOTE.—This judgment was assigned by said Young to John Center, as will appear from a deed from said Center to the State of California, hereto attached; there is no assignment or record in this office.

RECORDER.

Marin County, ss.

I hereby certify the foregoing to be a true, full, and correct abstract of the title (of the two parcels of land conveyed by B. R. Buckelew to the State of California, and to J. M. Estell et als.) from the date of said first conveyance to the present time, as appears from the records of my office.



In witness whereof I have hereunto set my hand and official seal, this sixteenth day of March, A. D. eighteen hundred and sixty-three.

DANIEL T. TAYLOR, Recorder.

By S. B. HARRIS, Deputy.

ABSTRACT OF TITLE

OF FORTY AND THIRTY-FIVE ONE HUNDREDTHS ACRES OF TIDE LAND, AND
ADJOINING THE STATE PRISON GROUNDS, IN MARIN COUNTY.

STATE OF CALIFORNIA, }
County of Marin. }

OFFICE OF THE COUNTY TREASURER, }
April 7th, 1860. }

Received, this day, from J. F. McCauley, forty dollars and thirty-five cents in cash, being payment in full for forty and thirty-five one hundredths acres of land described in the field notes of A. D. Easkoot, County Surveyor of Marin County, as follows: Survey Number One, Tide Land, Marin County, Township Number One North, Range Number Six West, Sections Eleven and Fourteen, portion of meridian, being the base and meridian of Mount Diablo, containing forty and thirty-five one hundredths acres, surveyed for J. F. McCauley, twenty-fifth day of January, eighteen hundred and sixty.

T. H. HANSON,
County Treasurer.

Endorsed—"Received at the request of J. F. McCauley, April seventh, eighteen hundred and sixty, at eleven o'clock, A. M., in Liber "A" of Swamp Lands, Marin County Records, page 24.

"D. T. TAYLOR, Auditor."

(PATENT.)

John G. Downey, Governor, etc., to John F. McCauley.

Dated May twenty-ninth, eighteen hundred and sixty.

Consideration, forty dollars and thirty-five cents.

Conveys forty and thirty-five one hundredths acres of Tide Land, and being the same as described in foregoing Treasurer's receipt.

Recorded June second, eighteen hundred and sixty, at five o'clock, P. M., in Liber "D" of Deeds, pages 206-207, Marin County Records.

(DEED.)

John F. McCauley, to John Simms.

Dated February eighteenth, eighteen hundred and sixty-two.

Consideration, five thousand dollars.

Conveys all his right, title, and interest in the forty and thirty-five one hundredths acres of Tide Lands above described.

Recorded October twenty-fifth, eighteen hundred and sixty-two, at three o'clock, P. M., in Liber "D" of Deeds, pages 438-439, Marin County Records.

There is now pending in the District Court, Seventh Judicial District, County of Marin, an ejectment suit brought by John Simms vs. J. F. Chellis et als.

STATE OF CALIFORNIA, }
County of Marin. }

I hereby certify the foregoing to be a true, full, and correct abstract of title of forty and thirty-five one hundredths acres of Tide Lands, situated in Marin County, California, and adjoining the State Prison grounds, as far as the records of my office show.



Witness my hand and official seal, this sixteenth day of March, A. D. eighteen hundred and sixty-three.

DANIEL T. TAYLOR,
County Recorder.

By S. B. HARRIS, Deputy.

LETTER FROM THE SURVEYOR-GENERAL

STATE OF CALIFORNIA, OFFICE OF SURVEYOR-GENERAL, }
 Sacramento, March 31st, 1863. }

To the Honorable the Legislature of the State of California :

GENTLEMEN :—In accordance with instructions contained in a concurrent resolution, passed the two branches of the Legislature on the second and fourth instants, I have the honor to submit herewith the plat of the State Prison grounds at Point San Quentin, together with the adjacent country ; also the report of the person deputized to make the survey.

A complete map upon a large scale is being made for preservation in the archives of the Stand Land Office.

An appropriation of one hundred and fifty dollars is recommended, to pay the cost of survey and maps.

All of which is respectfully submitted for your consideration.

J. F. HOUGHTON,
 Surveyor-General.

LETTER FROM E. TWITCHELL TO SURVEYOR-GENERAL.

SACRAMENTO, }
 March 23d, 1863. }

Hon. J. F. Houghton, Surveyor-General :

SIR :—In pursuance of instructions received from you, I have the honor to report that on the seventeenth instant I proceeded to San Quentin to make a survey of the lands purchased by the State upon which the State Prison is situated.

In making the survey of the boundaries of the two tracts purchased, I have been governed entirely by the descriptions contained in the deeds for the same, certified copies of which I had obtained.

The description of the starting point in the boundary of the original purchase of twenty acres is very badly expressed, and in an awkward manner ; however, from a rough plat which accompanies the deed there can be no doubt but what a point thirteen hundred feet north and four hundred feet east of high water mark, at the extreme southern point of what is known as Point San Quentin, was intended to be the beginning point of the survey, and the north east corner of the tract. This corner is described as being eight hundred feet, or about that distance, from high water mark on the west shore of the Point. The land in that vicinity has been occupied for many years as a brick yard, and the shallow water has been filled in for a distance of six hundred or eight hundred feet, out from the original shore line, and it is now impossible to tell where the true high water line was at the time of making the deed.

As the extreme southern point referred to above is rocky and tolerably well defined, I determined my starting point by measuring north and east from the same.

The description, of the second purchase, made of John Center, is very

clear. Yet I am of the opinion that a considerable portion of the same was the property of the State by virtue of her sovereignty, as Tidé Lands. Captain Van Reynegam, who assisted the County Surveyor in making a survey of these lands purchased by the State some years ago, pointed out to me the corners then established. I have found it necessary to depart materially from the lines of said survey.

The lines established by myself embrace the Prison wall and the buildings attached thereto, also the guard house near the southwest corner of the wall, but exclude the other four guard houses, the stone building containing the offices of the Commissary and Clerk, also the Park and the two Prison gardens, all of which is clearly shown by the accompanying plat.

The Center purchase embraces twelve and twelve one hundredths acres.

All of which is respectfully submitted.

E. TWITCHELL.

LETTER FROM HOGE & WILSON TO ATTORNEY-GENERAL.

SAN FRANCISCO, }
March 16th, 1863. }

Hon. F. M. Pixley, Attorney-General:

DEAR SIR:—In reply to your letter of the eleventh instant, relating to the title to lands adjacent to the State Prison, we can only say that our knowledge is confined entirely to what is called the sixteen acre tract, sold by John Center to the State. We inclose you the petition of Center, as containing the general facts, together with the reports therein referred to. Center conveyed to the State, under the Act of May sixteenth, eighteen hundred and sixty-one, (Statutes of eighteen hundred and sixty-one, page five hundred and six,) and we at that time furnished the Attorney-General very full abstracts and copies, all of which, with Center's deed, must be on file in the proper office. We have no doubt of the validity of the title conveyed by Center to the State. Should you need any other explanations we will cheerfully give them.

Very truly,

HOGE & WILSON.

MEMORIAL OF JOHN CENTER,

RELATIVE TO CERTAIN REAL AND PERSONAL PROPERTY OWNED BY HIM,
AND SITUATED AT AND NEAR THE STATE PRISON.

To the Honorable Senate and Assembly of the State of California:

Your petitioner, John Center, respectfully represents that he is and

has for several years last past been the owner of a certain tract of land in the County of Marin, containing about sixteen acres, upon a portion of which the walls of the State Prison extend, and the whole of which is used in connection with the Prison, together with the improvements and fixtures, and also, large and valuable machinery.

Your petitioner and the State both claim title under the late San Francisco Manufacturing Company—the former, immediately, by virtue of an attachment, due legal proceedings, judgment, and Sheriff's deed; the latter, by conveyances from the San Francisco Manufacturing Company to Archibald Woods, and by the said Woods to the State.

The writ of attachment under which your petitioner claims the property was levied on the twenty-third day of June, eighteen hundred and fifty-four, whilst the title was still in the San Francisco Manufacturing Company. The conveyance by that company to Mr. Woods was executed on the sixth day of July, eighteen hundred and fifty-four, but not placed on record until the fourteenth of July, eighteen hundred and fifty-four. But not only did Mr. Wood, at the time of his purchase, have the constructive notice implied from the regularity of the legal proceedings, but actual notice from the officer levying the attachment; all of which your petitioner is prepared to maintain and prove. Mr. Woods, with this notice, took a mere quit claim deed of the property, subject to the lien of this attachment.

Your petitioner further represents, that before Governor Bigler and the then State Prison Directors purchased the said property from Mr. Woods, they were expressly notified by your petitioner's Agent of the existence and validity of the attachment liens, and they took, on behalf of the State, a mere quit claim of the property, leaving it subject to lien of the attachment. But so convinced were Governor Bigler and the State Prison Directors of the validity of the attachment, that they directed the sum of eight thousand dollars to be retained in the Controller's hands until this claim was satisfied or removed; but in some unknown way, the warrants were subsequently paid to General Estell or Mr. Woods, as your petitioner is informed and believes. Very shortly after the legal proceedings ripened into judgment, a sale was had by the Sheriff of the property referred to, and your petitioner became the purchaser, and, upon the expiration of the time for redemption, a Sheriff's deed was executed. In the meantime, the State officers had removed large and valuable improvements off the land, and carried large and valuable fixtures and machinery into other portions of the Prison grounds, and torn up and manufactured into bricks the main portion of the soil. Your petitioner further represents, that at the session of the Legislature of the year eighteen hundred and fifty-six, he presented his claim through the Honorable Joint Committee of the Senate and Assembly on the State Prison, and that Honorable Committee, after a full and careful examination of the subject, reported that the claim of your petitioner was perfect, good, and valid, and his title, under the attachment, prior to and better than the State's title under said Archibald Woods. Their report is contained in the Appendix to the Senate Journal for the seventh session, (eighteen hundred and fifty-six,) to which your petitioner prays leave to refer for a clear statement of the facts and law of the case. Your petitioner is the owner of the judgment under which the land and personal property was sold, and has received no satisfaction of the same, nor has it in any way been paid. Your petitioner seeks no speculation by the sale of the premises to the State, but is desirous of a

fair and amicable arrangement by which his rights may be protected, and that he may have the possession of his property relinquished to him, or his judgment and costs paid, or some other fair adjustment.

All of which is respectfully submitted.

JOHN CENTER.

January, A. D. 1860.

